

AN ORDINANCE
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AN ORDINANCE TO REGULATE THE ISSUANCE OF
CERTIFICATES OF OCCUPANCY, AND FOR OTHER PURPOSES.

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Be it ordained by the Council of the City of Atlanta **as** follows:

Section 1. that a new section (c) shall be added to Section **104.8** **so** that the section will read **as** follows:

104.8. CERTIFICATE OF OCCUPANCY.

- (a) New buildings. No building hereafter erected shall be occupied or used, in whole or in part, until a Certificate of Occupancy shall have been issued by the Director and posted on the premises certifying that such building conforms to the provisions of this Code and other laws and ordinances affecting the construction, maintenance, alteration, repairs and use of buildings and facilities. See **also** SCOPE.
- (b) Temporary Occupancy. Upon request of the holder of a permit, or of the owner, the Director may issue a Temporary Certificate of Occupancy for part of a building; provided that such temporary occupancy or use would not jeopardize life or property.
- (c) Withholding of Permit. The Director shall not issue a Certificate of Occupancy to any building or part of a commercial building that does not have **an** unrestricted pedestrian entrance **fronting** the street or thoroughfare, when required by zoning code or site plan amendment.
 - (1) The City Council may grant a waiver of this requirement. The only applicable considerations for such a waiver are demonstrable public safety considerations.
 - (2) If **a** waiver is requested, the Director may issue a Temporary Certificate of Occupancy for a period up to three (3) months for the affected building, buildings or parts thereof. The Director may extend the Temporary Certificate until the Council has ruled on the waiver for a period of up to nine (9) minths.
- (d) Buildings hereafter altered. No building hereafter enlarged or extended, or **so** altered, wholly or part, **as** to change its classification of occupancy, and no building hereafter altered for which a Certificate of Occupancy **has** not been heretofore issued, shall be occupied or used, in whole or in part, until a

Certificate of Occupancy shall have been issued by the Director; provided that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of the building shall not continue for more than **30** days after completion of the alteration unless such certificate shall have been issued.

- (e) Certificate of Occupancy. The Certificate of Occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of individual persons that may be accommodated in the several stories, in case such number is limited by a provision of law or by the permit, and all special stipulations of the permit, if any.
- (f) Issuance of certificate. A Certificate of Occupancy shall be issued within **5** days after written application thereof, if the building at the time of such application shall be entitled thereto. Copies of Certificates of Occupancy shall be furnished, on request, to persons having a proprietary interest in the building.
- (g) Change of occupancy. No change of occupancy shall be made in a building hereafter erected or altered that is not consistent with the last issued Certificate of Occupancy for such building, unless a new certificate of occupancy is secured. No change of occupancy that would bring a building under some special provisions of this Code shall be made, unless the Director finds, upon inspection, that such building **conforms** substantially to the provisions of law with respect to the proposed new occupancy, and issues a Certificate of Occupancy therefor.
- (h) The occupancy of a building shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy. The reestablishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction, is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

Section 2. That **all** laws, or parts of laws, that are in conflict with the above are hereby repealed.